

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q76546

Vincent MUNIERE

Appln. No.: 10/634,766

Group Art Unit: 2617

Confirmation No.: 6869

Examiner: Vladimir MAGLOIRE

Filed: August 6, 2003

For: METHOD FOR ALLOCATING RESOURCES IN PACKET MODE IN A MOBILE
RADIO SYSTEM

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated May 26, 2011. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 2, 8-10, 16, 17, 23-25 and 34-36 are the claims pending in the present application, stand finally rejected and are all subject of this appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed, including the statute applied, the claims subject to each rejection and the references relied upon by the examiner are as follows:

Whether claims 2, 8-10, 16, 17, 23-25 and 34-36 are properly rejected under 35 U.S.C. § 102(c) as allegedly being anticipated by Landais (U.S. Patent Application Publication No. 2002/0080758).

ARGUMENT

In addition to the arguments set forth in the Appeal Brief filed May 5, 2011, Appellant responds to certain points made in the Examiner's Answer as follows.

In the Examiner's Answer in page 7, section 2, the Examiner cites paragraph [0076] and 3GPP460, page 41, section 7.1.2.1 for allegedly disclosing the claimed feature of "a mobile station sending to the network, for signaling data transfer requirements, an EGPRS (Enhanced General Packet Radio Service) packet channel request, including cause data specifying signaling data transfer requirements." Appellant respectfully disagrees with the Examiner for at least the following reasons.

In page 41, section 7.1.2.1, 3GPP460 discloses:

EGPRS capable MSs shall monitor the GPRS Cell Options IE on the BCCH (SI13)/PBCCH(PSI1/PSI13) for the cell's EGPRS capability. In PSI1 (and PSI13) it is indicated if the EGPRS PACKET CHANNEL REQUEST is supported in a cell. If the cell is EGPRS capable and EGPRS PACKET CHANNEL REQUEST is supported in the cell, the EGPRS PACKET CHANNEL REQUEST messages shall be used at one-phase access attempts, two-phase access attempts and short access attempts. If the cell is EGPRS capable and EGPRS PACKET CHANNEL REQUEST messages are not supported in the cell the EGPRS mobile station shall use the PACKET CHANNEL REQUEST message according to parameter ACC_BURST_TYPE and shall initiate a two phase access request.

Here, 3GPP460 discloses that if the cell is EGPRS capable and EGPRS Packet Channel Request is supported in the cell, the EGPRS Packet Channel Request messages shall be used at one-phase access attempts, two-phase access attempts and short access attempts. However, this does not teach or suggest “a mobile station sending to the network, for signaling data transfer requirements, an EGPRS (Enhanced General Packet Radio Service) packet channel request.”

For instance, the issue here is not merely whether EGPRS Packet Channel Request is used for one-phase access attempts, two-phase access attempts or short phase access attempts. Instead, the issue is whether an EGPRS Packet Channel Request is sent to the network, for signaling data transfer requirements. The portion cited by the Examiner is silent about signaling data transfer requirements using EGPRS Packet Channel Request.

As previously noted in page 12 of the Appeal Brief dated May 5, 2011, in page 148, 3GPP460 discloses that the EGPRS Packet Channel Request message is sent by EGPRS capable MSs in cells supporting EGPRS and using 11 bit ACCESS BURST TYPE, where the EGPRS Packet Channel Request message is sent to perform EGPRS one-phase access request, EGPRS short access request or EGPRS two-phase access request and for all other purposes (page response, cell update etc.) the standard Packet Channel Request message shall be used (see Section 11.2.5). That is, even if, *assuming arguendo*, 3GPP460 discloses EGPRS Packet Channel Request message being sent to perform one-phase access request, short access request or EGPRS two-phase access request, EGPRS Packet Channel Request is NOT used for signaling data transfer requirements such as page response, cell update etc., in the above document. Instead, 3GPP460 clearly discloses using a Packet Channel Request. Moreover, Landais does

not teach or suggest an EGPRS Packet Channel Request, including cause data specifying signaling data transfer requirements.

Moreover, in section 7.1.2.1: 3GPP0460 discloses that:

If the mobile station intends to use the TBF to send **user data**, it shall request **two phase access** if the requested RLC mode is unacknowledged mode. If the requested RLC mode is acknowledged mode and the amount of data can fit in 8 or less than 8 RLC/MAC blocks, the mobile station shall indicate **Short Access** as access type. The number of blocks shall be calculated assuming channel coding scheme CS-1 for standard GPRS TBFs, and MCS-1 for EGPRS TBFs. If the requested RLC mode is acknowledged mode and the amount of data to send takes more than 8 RLC/MAC blocks, the mobile station shall request either **one phase access** or **two phase access**.”

Therefore, when 3GPP460 discloses, in section 7.1.2.1 “EGPRS PACKET CHANNEL REQUEST messages shall be used at **one-phase access** attempts, **two-phase access** attempts and **short access** attempts” the EGPRS PACKET CHANNEL REQUEST is used for **user data** transfer requirements (i.e. **not signalling data** transfer requirements). The difference between user data and signalling data is recalled for example at page 17 of 3GPP0460: i.e., a RLC data block is the part of a RLC/MAC block carrying **user data** or upper layers’ **signaling data**.

Furthermore, in response to the Appellant’s arguments in pages 13 and 14 of the Appeal Brief, the Examiner now states that “inherency is irrelevant.” The Examiner further states that Landais’ one phase process covers both EGPRS Packet Channel Request and is suitable for

Packet Channel Request, and the process disclosed by Landais is not absolutely a specific type of Packet Channel Request. *See* page 9 and 10, section 8 of the Examiner's Answer.

Appellant respectfully submits that there are two possible types of request disclosed in 3GPP460, (1) Packet Channel Request and (2) an EGPRS Packet Channel Request, as acknowledged by the Examiner. As such, an EGPRS Packet Channel Request does not have to be sent in Landais for the purposes of signaling data transfers, i.e., for page response, cell update, etc. Indeed, as discussed above, 3GPP460 clearly states that for all other purposes, which includes including signaling data transfers (i.e., page response, cell update etc.) the standard Packet Channel Request message shall be used (see Section 11.2.5 and page 41). That is, even if, *assuming arguendo*, the one phase process of Landais uses a EGPRS Packet Channel Request, Landais does not inherently use EGPRS Packet Channel Request for signaling data transfer requirements such as page response, cell update etc.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

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